



1651

DOCKET NO. TOS-123-USA-D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
E. Yagi, et al.

Serial No.: 09/147,237

Art Unit: 1651

Filed: May 7, 2002

Examiner: F. Prats

For: Immunopotentiators

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Responsive to the restriction requirement mailed February 24, 2004, in the matter of the above-identified application, Applicants hereby elect Group I, Claims 5 and 6, drawn to Scutellaria root extract-containing therapeutic compositions.

It is respectfully submitted that the above is fully responsive to the outstanding Restriction Requirement. Further, it is respectfully submitted that this application is now in condition for examination on the merits and early action and allowance thereof is accordingly respectfully requested.

Respectfully submitted,

Donald E. Townsend, Jr.

Donald E. Townsend
Reg. No. 43,198

Date: March 23, 2004

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CERTIFICATE OF MAILING

I hereby certify that this Election, in Docket No. TOS-123-USA-D, Serial No. 10/139,395, filed May 7, 2002, was deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On March 23, 2004.

Donald E. Townsend, Jr.

Donald E. Townsend, Jr.